

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	:	Customer Number: 20277
	:	
Shiro NISHIMOTO, et al.	:	Confirmation Number: 8286
	:	
Application No.: 10/825,178	:	Tech Center Art Unit: 1791
	:	
Filed: April 16, 2004	:	Examiner: Queenie S. DEGHAN
	:	

For: PRESS MOLDING METHOD FOR GLASS AND MANUFACTURING METHOD FOR
GLASS SUBSTRATE USING THIS METHOD

REBUTTAL BRIEF TO THE EXAMINER'S RESPONSE TO THE APPEAL BRIEF

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer to the Appeal Brief dated February 18, 2009, a two month period for response set to expire April 18, 2009, (now the due date for the response is April 20, 2009, as April 18, 2009 falls on a Saturday), Appellant respectfully submits the rebuttal brief to the Examiner's Answer.

The examiner asserts at page 5, section (10) of the Answer that “detecting step would have naturally been performed.” Appellant respectfully disagrees and submits that there is no disclosure, necessity, motivation or even suggestion in Philips to detect the center of gravity. Philips produces a compact disc by an injection molding process. When producing a compact disc by using the injection molding, it is well known to one skilled in the art that the detecting the center of gravity of the glass substrate is impossible. When injection molding, the center hole is formed at the same step as molding the disc. In other words, Philips fails to disclose the distinct two steps of detecting the center of gravity of the glass substrate and creating a center hole so that the center of gravity becomes the center of the center hole, as recited by claim 20. The center of gravity of the disc is determined by the molding die and thus it is unnecessary and difficult for Philips to detect the center of gravity **of the glass substrate**.

The method of claim 20 recites a step of press molding, a step of detecting the center of gravity and a step of creating the center hole, separately. In contrast, Philips discloses the injection molding, in which the center hole is formed at the same time as the press molding. As such, it is also clear that Philips fails to disclose the step of creating the center hole separately from the step of press molding.

Accordingly, Appellant respectfully submits that the detecting step would not be naturally performed in Philips because Philips uses the injection molding process and does not use a step of creating the center hole separate from the molding step.

With respect to Suzuki, the examiner asserts, at page 6, first full paragraph, that the center of gravity should exist at the center (of the hole) in Suzuki. Appellant respectfully disagrees. Similar to Philips, since the object product of Suzuki is a CD-ROM and DVD-ROM,

Application No. 10/825,178

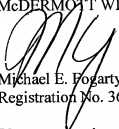
the injection molding process would have been used in Suzuki. Therefore, in Suzuki the center of gravity and the center of the hole would not be the same because of the errors in the molding die, which cannot be eliminated. Suzuki premises that the center of gravity and the center of the hole are out of synch, and therefore Suzuki takes measures against such a problem. Suzuki also never recognizes that the center of gravity should correspond to the center of the hole.

Based on the foregoing, Appellant respectfully submits that claims 20 and dependent claim 21 are patentable over the cited references.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. 1.17 and 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Michael E. Fogarty
Registration No. 36,139

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF/TS/
Facsimile: 202.756.8087
Date: **April 17, 2009**

**Please recognize our Customer No. 20277
as our correspondence address.**